

1 | be an operator of an establishment licensed under this chapter
2 | and shall represent the industries regulated by the division,
3 | except that one member appointed by the secretary must be a
4 | layperson representing ~~and shall represent~~ the general public
5 | and one member must be a hospitality education administrator
6 | from an institution of higher education of this state. Such
7 | members of the council shall serve staggered terms of 4 years.

8 | (b) ~~The Florida Hotel and Motel Association, the~~
9 | Florida Restaurant and Lodging Association shall designate one
10 | representative from the lodging industry and one
11 | representative from the restaurant industry to serve as voting
12 | members of the council. ~~The Florida Apartment Association,~~
13 | ~~and the Florida Association of Realtors shall each designate~~
14 | ~~one representative to serve as a voting member of the council.~~
15 | ~~In addition, one hospitality administration educator from an~~
16 | ~~institution of higher education affiliated with the~~
17 | ~~Hospitality Education Program pursuant to s. 509.302(2) shall~~
18 | ~~serve for a term of 2 years as a voting member of the council.~~
19 | ~~This single representative shall be designated on a rotating~~
20 | ~~basis by the institution or institutions of higher education~~
21 | ~~affiliated with this program pursuant to s. 509.302(2).~~

22 | Section 2. Section 509.302, Florida Statutes, is
23 | amended to read:

24 | 509.302 Hospitality Education Program ~~Director of~~
25 | ~~education; personnel; employment duties; compensation.--~~

26 | (1) The division ~~director shall, with the advice of~~
27 | ~~the advisory council, employ a director of education for the~~
28 | ~~lodging and food service industry.~~

29 | ~~(2) The director of education shall~~ administer ~~develop~~
30 | ~~and implement~~ an educational program, designated the
31 | "Hospitality Education Program," offered for the benefit of

1 | the restaurant and lodging industries of this state entire
2 | ~~industry~~. This program may affiliate with Florida State
3 | University, Florida International University, and the
4 | University of Central Florida. The program may also affiliate
5 | with any other member of the State University System or
6 | Florida Community College System, or with any privately funded
7 | college or university, which offers a program of hospitality
8 | administration and management. The ~~primary goal of this~~
9 | program shall be administered with the advice of the advisory
10 | council and shall fund the following types of training and
11 | training-related activities is to instruct and train all
12 | ~~individuals and businesses licensed under this chapter, in~~
13 | ~~cooperation with recognized associations that represent the~~
14 | ~~licensees, in the application of state and federal laws and~~
15 | ~~rules. Such programs shall also include:~~

16 | (a) Training provided by the division to licensees
17 | under this chapter and the licensees' managers and employees
18 | in the application of state and federal laws and rules to the
19 | operations of the licensees and the licensees' managers and
20 | employees.

21 | (b) Enhancement of school-to-career training and
22 | transition programs for students interested in pursuing
23 | careers in the food service or lodging industry. Training and
24 | transition programs shall be provided through the public
25 | school system utilizing a nationally recognized curriculum
26 | approved by the division, with the enhancements funded under
27 | this section provided by nonprofit statewide organizations in
28 | the hospitality services field. Enhancement activities under
29 | this section shall be funded by grants and the application
30 | process for the grants shall be administered by the division.

31 | ~~(a) Career training.~~

1 ~~(b) Management training.~~

2 ~~(c) Inservice continuing education programs.~~

3 ~~(d) Awareness of food recovery programs, as promoted~~
4 ~~in s. 570.0725.~~

5 ~~(e) Such other programs as may be deemed appropriate~~
6 ~~by the director of the division, the advisory council, and the~~
7 ~~director of education.~~

8 ~~(2)(3)~~ All public lodging establishments and all
9 public food service establishments licensed under this chapter
10 shall pay an annual fee of no more than \$10, which shall be
11 included in the annual license fee and ~~which shall be~~ used for
12 the sole purpose of funding the Hospitality Education Program.

13 (3) Notwithstanding any other provision of law to the
14 contrary, grant funding under this section for the services
15 described in paragraph (1)(b) shall include all expenses
16 incident to providing those services, including the cost of
17 staff support; student scholarships; compensation to program
18 instructors for time spent in relevant training; special
19 events or competitive events; and a reasonable stipend for
20 travel, lodging, and meals for instructors and students
21 participating in training or in related special events. All
22 such expenses shall be in accordance with the budget submitted
23 by the applicant in the grant application and approved by the
24 division. The expenditure of all funds distributed under this
25 section shall be subject to audit by the division.

26 (4) The director ~~of education~~ shall formulate an
27 annual budget, programs, and activities to accomplish the
28 purposes of this section, in accordance with and subject to
29 the advice and recommendations of the advisory council.

30 (a) The annual budget of the Hospitality Education
31 Program must show that the total fees ~~or charges~~ estimated to

1 | be collected during the next fiscal year under this section
2 | will be dedicated solely to the estimated cost of funding the
3 | Hospitality Education Program, less any trust fund service
4 | charge imposed by s. 215.20. If the estimated cost of funding
5 | the Hospitality Education Program in any fiscal year is less
6 | than the total fees ~~or charges~~ estimated to be collected
7 | during that year, the director ~~of education~~ shall submit a
8 | report to the advisory council ~~division director~~ demonstrating
9 | why the amount of such fee ~~or charge~~ should not be immediately
10 | reduced to eliminate the projected surplus. The ~~division~~
11 | director shall also submit forward this report to the
12 | Secretary of Business and Professional Regulation as part of
13 | the division's annual budget request.

14 | (b) Both the secretary's legislative budget requests
15 | submitted pursuant to ss. 216.023 and 216.031 and the
16 | Governor's recommended budget submitted pursuant to s. 216.163
17 | must also show that the total fees ~~or charges~~ estimated to be
18 | collected during the next fiscal year under this section will
19 | be dedicated solely to funding the Hospitality Education
20 | Program, less any trust fund service charge imposed by s.
21 | 215.20. If the estimated cost of funding the Hospitality
22 | Education Program in any fiscal year is less than the total
23 | fees ~~or charges~~ estimated to be collected during that year,
24 | the secretary shall submit a report demonstrating why the
25 | amount of such fee ~~or charge~~ should not be immediately reduced
26 | to eliminate the projected surplus.

27 | ~~(5) The director of education, with the approval of~~
28 | ~~the director and with the advice of the advisory council, may~~
29 | ~~employ such personnel as necessary to carry out the purposes~~
30 | ~~of this section.~~

31 |

1 ~~(6) The director of education and any staff shall~~
2 ~~receive such compensation as may be approved by the director~~
3 ~~acting with the advice of the advisory council.~~

4 ~~(5)(7) The director of education, with the approval of~~
5 The director, ~~and~~ and with the consent of the advisory council,
6 may designate funds, not to exceed ~~\$250,000~~ \$150,000 annually,
7 to support school-to-career transition programs available
8 through statewide organizations in the hospitality services
9 field. Such programs shall be designed to prepare students for
10 progressive careers in the hospitality industry. ~~The director~~
11 ~~of education, with the approval of~~ The director, ~~and~~ and with the
12 consent of the advisory council, may also designate funds, not
13 to exceed \$50,000 annually, to support food safety training
14 programs available through statewide organizations in the
15 hospitality services field, and not to exceed \$50,000
16 annually, to support nontransient public lodging training
17 programs available through statewide organizations in the
18 public lodging services field.

19 ~~(6)(a)~~ The director ~~of education~~ shall have
20 supervision over the administration of the programs set forth
21 in this subsection and shall report the status of the programs
22 at all meetings of the advisory council and at such other
23 times as are prescribed by the advisory council.

24 ~~(7)(b)~~ The division shall adopt rules providing the
25 criteria for grant program approval and the procedures for
26 processing grant program applications. The criteria and
27 procedures shall be approved by the advisory council. The
28 criteria shall give primary consideration to the experience
29 and history of the applicant in representing the food service
30 or lodging industry, the applicant's prior commitment to
31 school-to-career transition programs in the food service or

1 lodging industry, and the applicant's demonstrated ability to
2 provide services statewide with industry support and
3 participation. Grants awarded under this section shall be for
4 a term of 4 years, with funding provided on an annual basis.

5 Section 3. Subsection (2) of section 509.072, Florida
6 Statutes, is amended to read:

7 509.072 Hotel and Restaurant Trust Fund; collection
8 and disposition of moneys received.--

9 (2) Fees collected under s. 509.302~~(2)(3)~~ and
10 deposited into the trust fund must be used solely for the
11 purpose of funding the Hospitality Education Program, except
12 for any trust fund service charge imposed by s. 215.20, and
13 may not be used to pay for any expense of the division not
14 directly attributable to the Hospitality Education Program.
15 These funds may not be deposited or transferred into any other
16 trust fund administered by the Department of Business and
17 Professional Regulation or any of its divisions. For audit
18 purposes, fees collected under s. 509.302~~(2)(3)~~ and all
19 charges against those fees must be maintained by the
20 department as a separate ledger.

21 Section 4. Subsection (4) of section 509.261, Florida
22 Statutes, is amended to read:

23 509.261 Revocation or suspension of licenses; fines;
24 procedure.--

25 (4) All funds received by the division as satisfaction
26 for administrative fines shall be paid into the State Treasury
27 to the credit of the Hotel and Restaurant Trust Fund and may
28 not subsequently be used for payment to any entity performing
29 required inspections under contract with the division.
30 Administrative fines may be used to support division programs
31 pursuant to s. 509.302(1)(a).

1 Section 5. This act shall take effect July 1, 2007.

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate Bill 2484

6

6 The committee substitute (CS) amends s. 509.302(1), F.S., to
7 reference "restaurant" industry instead of "food service"
8 industry. It also restores the provision that authorizes the
9 Hospitality Education Program (HEP) to be affiliated with any
10 member of the State University System or Florida Community
11 College System, or with any privately funded college or
12 university, which offers a program of hospitality
13 administration and management.

10

11 The CS amends s. 509.302(1)(b), F.S., to delete the provisions
12 that specify what may be included as enhancement activities.

12

13 The CS amends s. 509.302(2), F.S., to delete the limitation
14 that program administration and training funds must be no more
15 than 35% of the HEP funds collected and that provides for the
16 expenditure of funds, including the use of unexpended funds.

14

15 The CS amends s. 509.302(5), F.S., to restore the statutory
16 maximum amount of funds that may be designated for
17 school-to-career transition programs. It also increases that
18 amount from \$150,000 to \$250,000. It restores the provisions
19 for grants of \$50,000 each for food safety and nontransient
20 lodging training programs.

18

19 The CS amends s. 509.261(4), F.S., to provide that
20 administrative fines assessed by the Division of Hotels and
21 Restaurants may be used to support division programs pursuant
22 to s. 509.302(1)(a), F.S.

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